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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,152	09/13/2000	RIE SUZUKI	35.G2067D	2716

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EXAMINER

BOAKYE, ALEXANDER O

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

04

Office Action Summary	Application No.	Applicant(s)	
	09/661,152	SUZUKI, RIE	
	Examiner	Art Unit	
	Alexander Boakye	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20, 26-28, 30 and 39-42 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 21, 22, 31 is/are rejected.
- 7) ☒ Claim(s) 3-6, 7-10, 23-25 and 32-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 21, 22, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Takai et al(US Patent # 5,504,774).

Regarding claims 1 and 2, Takai teaches a spread spectrum communication method comprising the steps of: dividing a communication period for a spread spectrum signal into a plurality of data-communication periods (column 13, lines 40-45); and providing an adjustment period between one data-communication period and another data-communication period, such that the spread spectrum signal is continuously communicated (Transmission unit of the base station continuously transmits a synchronizing pilot channel which is inherent in the transmitter) by communicating and adjustment signal for adjusting reception of the spread spectrum signal during the adjustment period (column 12, lines 20-35; column 21, lines 11-21).

Regarding claims 21, and 22, Takai teaches a spread spectrum transmission method comprising the steps of: dividing data into a plurality of groups of data (column 13, lines 40-45); transmitting the groups of data one after another to a receiving end on a spread spectrum signal (column 2, lines 45-51; column 14, lines 59-61); transmitting, between each two successive groups of data, information to be used by the receiving

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end for receiving the later one of the two successive groups of data, such that the spread spectrum signal is continuously transmitted (column 2, lines 45-51; see Figs. 14 and 16).

Regarding claim 31, Takai teaches a spread spectrum transmission method comprising the steps of transmitting a continuous spread spectrum signals including a plurality of data communication periods (see Figs. 14 and 16), wherein an adjustment signal for adjusting synchronization is further transmitted, in the continuous spread spectrum signals, between one of the plurality of data-communication periods and another one of the plurality of data- communication periods (column 13, lines 40-45; column 21, lines 11-21).

Allowable Subject Matter

2. Claims 3, 4, 5-10, 23-25, 32-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-20, 26-28, 30 and 39-42 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: Claims 11-20 are considered allowable because the prior art of record does not teach adjustment-signal communication means for continuously communicating an adjustment signal for adjusting reception of the spread spectrum signal between one data-communication period an another communication period, such that the spread spectrum signal is continuously communicated. As to claims 26, the prior art of record does not teach wherein the data transmission means transmits the sets of data by code

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division multiplexing, and the information transmission means transmits information which is not multiplexed by code division multiplexing. As to claims 35-38, the prior art of record does not teach a spread spectrum transmission apparatus comprising transmission means for transmitting a continuous spread spectrum signal including a plurality of data-communication periods, wherein the transmission means further transmits an adjustment signal for adjusting synchronization, in the continuous spread spectrum signal, between one of the plurality of data-communication periods and another one of the plurality of data-communication periods. As to claims 39-42, the prior art of record does not teach wherein the information transmission means transmits first information prior to the sets of data, wherein a transmission period of the first information is longer than that of the information between each two successive sets of data.

Response to Arguments

3. Applicant's arguments with respect to claims 1-28, 30-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The fax number is (703) 872-9306. Any inquiry of general nature or relating to the status of this application or

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proceeding should be directed to the group receptionist whose telephone number is
(703) 305-4750.

Alexander Boakye

Patent Examiner

AB

1/22/05



CHI PHAM
SUPERVISORY PATENT EXAMINER
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1/24/05